

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION



FATIMA ABDULLA

Plaintiff,

Case No.

1:13cv1579  
CMH/TRJ

v.

THE LAW OFFICE OF SHAWN C WHITTAKER, PC

Defendant.

**COMPLAINT FOR VIOLATIONS OF THE  
FAIR DEBT COLLECTION PRACTICES ACT**

Plaintiff file this Complaint against THE LAW OFFICE OF SHAWN C WHITTAKER, PC for violations of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.*

***Preliminary Statement***

1. Plaintiff brings this action for statutory and actual damages arising from Defendant's violations of the FDCPA, which prohibits debt collectors from engaging in abusive, deceptive, harassing, unfair, and illegal practices.

***Jurisdiction and Venue***

2. This Court has federal question jurisdiction under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, and 28 U.S.C. § 1367.

3. Defendant conducts business in this district by mailing dunning letters, filing lawsuits and undertaking other collection activity with respect to consumers in this district and is subject to personal jurisdiction in the Commonwealth of Virginia and in

this federal district.

4. Venue is proper in this district under 28 U.S.C. § 1391(b) because the Defendant resides in this district within the meaning of 28 U.S.C. § 1391(b) and (c) by being subject to personal jurisdiction in the district, and a substantial part of the events or omissions giving rise to this claim occurred in this district.

***Parties***

5. Plaintiff is a natural person.

6. Plaintiff is a citizen of the Commonwealth of Virginia, who resides in Prince William County, Virginia.

7. Plaintiff is a “consumer,” as that term is defined by FDCPA § 1692a(3).

8. Defendant is a Maryland corporation with its principal place of business located in Rockville, Maryland.

9. Defendant uses instrumentalities of interstate commerce or the mails in connection with a business, the principal purpose of which is the enforcement of security interests.

10. Defendant is a law firm, licensed by the Virginia State Bar.

11. Defendant’s business includes debt collection activities.

12. Defendant is a “debt collector,” as that term is defined by FDCPA § 1692a(6).

***Factual Allegations***

13. Throughout all times relevant hereto, Defendant represented, as attorney and debt collector, a collection agency known as Rapid Recovery Credit and Collection.

14. Rapid Recovery Credit & Collection obtained a judgment against Plaintiff

on or about January 4, 2010, in the amount of \$495.00, with interest at 6% per annum, and \$53 in judgment costs.

15. Plaintiff made payments toward the judgment in the amount of \$350.00.

16. On or about January 16, 2013, in an attempt to collect the judgment, Defendant filed a garnishment against Plaintiff. In said garnishment, Defendant reflected that there had been \$350.00 in credits, but instead of subtracting this from the judgment amount, Defendant added the \$350.00 to the judgment amount. As a result of this, Defendant represented that the debt was \$1,222.44, instead of \$522.44.

17. Upon receipt of the garnishment, Plaintiff contacted Defendant and advised Defendant that the credit had been added, rather than subtracted, from the judgment amount. Defendant responded that he did not care, he was not going to correct anything, and he further called Plaintiff a liar.

18. The judgment and the debt underlying said judgment was a "debt" as that term is defined by the FDCPA

### ***Claim for Relief***

19. Defendant violated the FDCPA by falsely representing the amount of the debt. Delta's violations include, but are not limited to, the following:

A. It falsely represented the amount of the debt, in violation of 15 U.S.C. § 1692e, 1692e(2) and 1692e(10).

B. It used unfair or unconscionable means to collect or attempt to collect the debt, in violation of 15 U.S.C. §1692f and 1692f(1).

20. As a result of the Defendant's violations of the Fair Debt Collection

Practices Act, as described above, the Plaintiff has suffered actual damages, including distress and emotional distress, out of pocket expenses, and is also entitled to an award of statutory damages, costs and attorney fees.

**Demand for Jury Trial**

21. Plaintiff demands a trial by Jury.

***Prayer for Relief***

WHEREFORE, Plaintiff prays that this Court grant the following relief in his favor, and that judgment be entered against Defendant for the following:

- (a) For statutory damages;
- (b) Actual damages;
- (c) A declaration that Defendant's actions violate the FDCPA
- (d) For reasonable attorneys' fees for all services performed by counsel in connection with the prosecution of this claim;
- (e) For reimbursement for all costs and expenses incurred in connection with the prosecution of this claim; and
- (f) For any and all other relief this Court may deem appropriate.

Dated: Manassas, Virginia  
November 5, 2013

Respectfully submitted,

By: 

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Thomas R. Breeden

Attorney for Plaintiff:

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